

Exhibit 5

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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

SHAWN SIMS,

Plaintiff,

vs.

ZACHARY YOUNG; ERWIN MANRIQUEZ;
JORDAN NIELSEN; PEDRO OLIVAS;
OGDEN CITY; OGDEN CITY POLICE
DEPARTMENT,

Defendants.

DECLARATION OF JUSTIN T. TOTH

Case No. 1:23CV53 DAK JCB

Judge Dale A. Kimball

Magistrate Judge Jared C. Bennett

I, Justin T. Toth, declare that I am over the age of 21 years, that I am qualified and have personal knowledge of the following, and am competent to testify to the following if called upon to do so:

1. I have been licensed to practice law in the State of Utah since October 1999 and am in good standing with the Utah State Bar.
2. I graduated from the University of Utah S.J. Quinney College of Law in 1992.

3. I served as a judicial law clerk to Judge Aldon J. Anderson of the United States District Court for the District of Utah from 1992 to 1993.

4. I have been a civil litigator in private practice in Utah and Texas since 1993, with a brief interruption when I served as Assistant General Counsel to The Salt Lake Organizing Committee for the Olympic Winter Games from 2000-2002.

5. I am a shareholder at the law firm of Ray Quinney & Nebeker. My practice includes, *inter alia*, both defense and prosecution of civil rights actions in the courts of the State of Utah, including the United States District Court for the District of Utah.

6. I have tried a number of tort cases to verdict in both state and federal courts.

7. I have been recognized as a preeminent litigator in Utah by Chambers USA: America's Leading Lawyers for Business, The Best Lawyers in America®, Antitrust Law Lawyer of the Year (2013, 2017, and 2021), Commercial Litigation, Mountain States Super Lawyers, The Top 100 Lawyers in Mountain States, Business Litigation, Antitrust Law, and AV Preeminent (5.0) rating with Martindale-Hubbell.

8. I also serve as a mediator through Utah ADR Services, where I mediate all types of commercial disputes, including civil rights cases.

9. I charge \$425 an hour for my work in civil rights cases for plaintiffs.

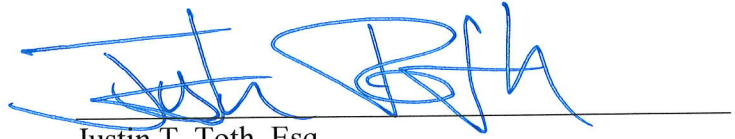
10. I bill associates working with me on civil rights cases between the rates of \$250-295, depending on experience.

11. I bill paralegals working with me on civil rights cases at the rate of \$190.

12. We do not charge for secretarial or other staff time, as those items are included in the other rates we bill.

I declare under penalty of perjury that the foregoing is true and correct to the best of my recollection.

DATED this 14th day of August, 2023 at Salt Lake City, Salt Lake County, Utah.



Justin T. Toth, Esq.

RAY QUINNEY & NEBEKER